

105.750/8

IAP13 Rec'd PCT/PTO 25 OCT 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KELLER et al.

PCT Application No. PCT/EP04/11061

PCT Filing Date: October 4, 2004

U.S. Serial No.: 10/575,018

Filed: April 6, 2006

Atty. File No.: 2584SG-3

For: "INSULATING ELEMENT FROM  
MINERAL FIBERS FOR SHIPBUILDING"

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

RENEWED PETITION UNDER  
37 C.F.R. 1.10(d)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>10/23/06</u></p> <p style="text-align: center;">SHERIDAN ROSS P.C.</p> <p>BY: <u>Brenda Carpenter</u></p>
--

The Decision of the U.S. Patent and Trademark Office dated September 27, 2006 is noted.

In the Office's opinion, the prior petition did not sufficiently establish the third criterion. To comply with the Office's request, Applicants now submit evidence in the form of: a Declaration of Susan Willson, managing partner of foreign patent prosecution for Sheridan Ross, P.C.; a Second Supplemental Declaration of Eddie Abeyta, Sheridan Ross P.C.'s designated administrator of patent filing correspondence; a correspondence delivered to the foreign associate on April 7, 2006 confirming the filing of such application (Exhibit A); a facsimile confirmation of receipt of said correspondence delivered on April 7, 2006 (Exhibit B); a copy of the Express Mailing receipt for

such application (Exhibit C); and, United States Postal Service records indicating receipt of such application by the USPTO with other applications deposited on April 6, 2006 (Exhibits D - K).

Applicants direct the Office's attention to Exhibit A, which is a copy of the correspondence delivered to Grosse Bockhorni & Schumacher ("GBS") on April 7, 2006 at approximately 1:49 p.m. This correspondence, which came in to existence within one day of the filing of such application, is believed to present corroborating evidence of the April 6, 2006 filing date. Applicants also direct the Office's attention to the declaration of Susan Willson, who confirmed the filing prior to signing the correspondence delivered on April 7, 2006, and the Second Supplemental Declaration of Eddie Abeyta, who is responsible for depositing Express Mail with the USPS, and as a matter of routine only does so once per day in the evening after 5:00 p.m. Any Express Mail deposited on April 7 would therefore not have been made prior to the 1:49 p.m. transmission of correspondence to GBS. Further evidence, in the form of USPS track and confirm search results, demonstrates that such application was received at the USPTO on the same day as other applications deposited by Mr. Abeyta on April 6, 2006 (See Exhibits D - K). This comports with Mr. Abeyta's statements that the case at issue was one of several collectively filed at the same time by Express Mail the evening of April 6, 2006.

The transmission report for the facsimile correspondence to GBS clearly shows it was sent at 1:49 p.m. on April 7 (See Exhibit A), confirming that the case was filed with the USPTO on April 6, 2006. This correspondence was signed by Ms. Willson, an attorney licensed in Colorado for over 30 years, and the statements contained therein were verified prior to delivery to GBS. This record was created within one day of the correct filing date of such application, and Applicants assert that this record meets the third criterion requested by the USPTO. Applicants believe this form of

evidence, having been reviewed and executed by a licensed attorney prior to delivery, presents even stronger corroborating evidence of the correct filing date than would the ministerial task of recording Express Mailing numbers and dates in a log book, which are typically performed by non-licensed staff.

Given this compelling corroborating evidence, the error here must properly be considered as being on the part of the USPS. It is Applicants belief that USPS employees may not fully understand the importance of the deposit date when Express Mail documents are deposited. For normal mail, to ensure delivery by the next business day, the last drop off time is typically around 3:00 p.m. It is believed that deposits made after 3:00 p.m. may be viewed as acceptably being processed the next day. USPS employees may not fully understand that the USPTO's procedures allocate the day of an Express Mail deposit as the official filing date for a patent application. A USPS employee accepting deposit of Express Mail after 3:00 p.m. would likely see no consequence of completing the Express Mailing receipt on the following day, particularly when the deposit is made during a time approaching the closing time for that location (e.g., here the deposit was at 6:22 p.m. and the USPS office closed at 7:00 p.m.)

In conjunction with the previous evidence submitted showing the peculiar fact that no time entry was entered on the Express Mailing receipt for the application at issue, it is suggestive that such application was not recorded accurately when it was received on April 6, 2006 (See Exhibit C).

If such application were recorded properly, the Express Mailing receipt would have included an actual time entry as is required by USPS employees accepting such mailing.

With such new evidence, and in combination with the previously submitted petitions and exhibits thereto, Applicants respectfully request the reconsideration and favorable grant of the

present petition. Applicants' counsel requests the courtesy of a telephone call in the event any further questions or concerns require further discussion or elucidation. Applicants' counsel can be reached directly at (303) 863-2977. No additional fees are believed to be owing, however, if such fees are due, please deduct them from Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik  
Registration No. 33,005  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: 10/20/06

J:\2584\Sg-3\second renewed petition.wpd

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO 3528  
 CONNECTION TEL 01149897593869  
 CONNECTION ID BOCKHORN  
 ST. TIME 04/07 13:49  
 USAGE T 00'29  
 PGS. SENT 2  
 RESULT OK

TODD P. BLAKELY  
 GARY J. CONNELL  
 SABRINA C. STANISH  
 JOSEPH E. KOVARIK  
 SUSAN PRYOR WELSON  
 LEWIS D. HANSEN  
 ROBERT R. BRUNELLI  
 DOUGLAS W. SWARTZ  
 BRUCE A. KUGLER  
 BRENT P. JOHNSON  
 BENJAMIN B. LIEB  
 BRADLEY M. KNEPPER  
 MIRIAM DRICKMAN TRUDELL  
 ROBERT D. TRAVEE, Ph.D.  
 MARK L. YASKANIN  
 CRAIG W. MUELLER  
 PAUL S. CHA  
 MARK W. SCOTT  
 SARAH J. MILLER  
 DARLA G. YOERG, Ph.D.

**SHERIDAN ROSS**  
*A Professional Corporation*  
 ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY  
 SUITE 1200  
 DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700  
 FACSIMILE (303) 863-0223  
 E-MAIL srlaw@sheridanross.com

PATENTS  
 TRADEMARKS  
 COPYRIGHTS

KERMITH F. ROSS  
 1910-1986

OF COUNSEL  
 PHILIP H. SHERIDAN  
 DAVID F. ZINGER  
 SCOTT R. BIALECKI

TECHNICAL SPECIALISTS  
 DENNIS J. DUPRAY, Ph.D.  
 ANGELA DALLAS SEBOR, Ph.D.  
 MATTHEW R. ELLSWORTH

April 7, 2006

*FACSIMILE COVER SHEET*

Please deliver the following page(s) to:

Name: Mr. Josef Bockhorni

Facsimile Number: 011 4989 459 3869

Our File No. 2584SG-3

Your File Number: P85288 US (BO/AP)

Total Number of Pages, including this cover page: 2

Sender's Name: Susan P. Willson, Esq.

Special Instructions:

PLEASE CONFIRM RECEIPT

If you do not receive all the pages, please call Carol Werner at (303) 863-9700

THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND MAY CONTAIN ATTORNEY PRIVILEGED INFORMATION  
 INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR COMPANY NAMED ABOVE. If the reader is not the  
 intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please do not



TODD P. BLAKELY  
GARY J. CONNELL  
SABRINA C. STAVISH  
JOSEPH E. KOVARIK  
SUSAN PRYOR WILLSON  
LEWIS D. HANSEN  
ROBERT R. BRUNELLI  
DOUGLAS W. SWARTZ  
BRUCE A. KUGLER  
BRENT P. JOHNSON  
BENJAMIN B. LIEB  
BRADLEY M. KNEPPER  
MIRIAM DRICKMAN TRUDELL  
ROBERT D. TRAVER, Ph.D.  
MARK L. YASKANIN  
CRAIG W. MUELLER  
PAUL S. CHA  
MARK W. SCOTT  
SARAH J. MILLER  
DARLA G. YOERG, Ph.D.

**SHERIDAN ROSS**  
*A Professional Corporation*  
ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY  
SUITE 1200  
DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700  
FACSIMILE (303) 863-0223  
E-MAIL srlaw@sheridanross.com

PATENTS  
TRADEMARKS  
COPYRIGHTS

KERMITH F. ROSS  
1910-1986

OF COUNSEL  
PHILIP H. SHERIDAN  
DAVID F. ZINGER  
SCOTT R. BIALECKI

TECHNICAL SPECIALISTS  
DENNIS J. DUPRAY, Ph.D.  
ANGELA DALLAS SEBOR, Ph.D.  
MATTHEW R. ELLSWORTH

April 7, 2006

VIA FACSIMILE (011 4989 459 3869) & AIR MAIL

Mr. Josef Bockhorni  
Grosse-Bockhorni-Schumacher  
Forstenrieder Allee 59  
München, D-81476 GERMANY

Re: U.S. Patent Application Serial No. NOT YET ASSIGNED Entitled  
"INSULATING ELEMENT FROM MINERAL FIBERS FOR  
SHIPBUILDING" in the Name of Saint-Gobain Isover  
Our File No. 2584SG-3  
Your Reference No. P85288 US (BO/AP);

Dear Mr. Bockhorni:

Enclosed please find copies of the Application Transmittal, Application Data Sheet, First Preliminary Amendment, and Information Disclosure Statement as filed with the U.S. Patent Office on April 6, 2006. We will keep you informed as this application progresses.

Best regards.

Sincerely,

SHERIDAN ROSS P.C.



Susan P. Willson, Esq.

SPW/csw  
Enclosures

07/04/2006 20:47 3038630223  
07/006 13:49 FAX 3038630223

SHERIDAN ROSS

BOCKHORN

001/002

TODD P. BLAKELY  
GARY J. CONNELL  
SABRINA C. STANISH  
JOSEPH E. KOVARIK  
SUSAN PRYOR WILSON  
LEWIS D. HANSEN  
ROBERT R. BRUNELLI  
DOUGLAS W. SWARTZ  
BRUCE A. KUHLER  
BRENT P. JOHNSON  
BENJAMIN B. LIEB  
BRADLEY M. KNEPPER  
MIRIAM BRICKMAN BRUDELL  
ROBERT D. TRAVIS, Ph.D.  
MARK L. YASKANIN  
CRAIG W. MURPHY  
PAUL S. CHA  
MARK W. SCOTT  
SARAH J. MILLER  
DARLA G. YODER, Ph.D.

**SHERIDAN ROSS**  
A Professional Corporation  
ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY  
SUITE 1200  
DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700  
FACSIMILE (303) 861-0223  
MAIL [arlaw@sheridanross.com](mailto:arlaw@sheridanross.com)

ANWÄLTE

EING 10. April 2006

Termin:  
VV

April 7, 2006

RECEIVED

APR 10 2006

SHERIDAN, ROSS

PATENTS  
TRADEMARKS  
COPYRIGHTS

KERMIT F. ROSS  
1910-1986

OF COUNSEL  
PHILIP H. SHERIDAN  
DAVID P. ZINGER  
SCOTT R. BIALICKI

TECHNICAL SPECIALISTS  
DENNIS J. DUPRAY, Ph.D.  
ANGELA DALLAS SPROK, Ph.D.  
MATTHEW R. ELLSWORTH

## FACSIMILE COVER SHEET

Please deliver the following page(s) to:

Name: Mr. Josef Bockhorni

Facsimile Number: 011 4989 459 3869

Our File No. 2584SG-3

Your File Number: P85288 US (BO/AP)

Total Number of Pages, including this cover page: 2

Sender's Name: Susan P. Willson, Esq.

Special Instructions:

Received  
with thanks

Patent- und Rechtsanwälte  
GROSSE · BOCKHORN · SCHUMACHER  
Fonsterrieder Allee 59, 81476 München

## PLEASE CONFIRM RECEIPT

If you do not receive all the pages, please call Carol Werner at (303) 863-9700

THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND MAY CONTAIN ATTORNEY PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR COMPANY NAMED ABOVE. If the reader is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, so that we may arrange for the return of the original message to us. Thank you.

EXHIBIT

B



EV 655367215 US

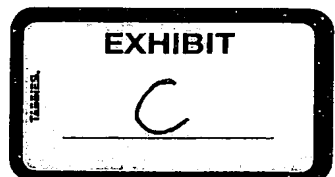


UNITED STATES POSTAL SERVICE®

Finance Copy  
Label 11-F, April 200

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)				DELIVERY (POSTAL SERVICE USE ONLY)			
PO ZIP Code 80202	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ 18.80		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Date Accepted 4 7 06 Mo. Day Year	Scheduled Date of Delivery Month Day	Return Receipt Fee \$		Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time Accepted <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$	Insurance Fee \$	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Flat Rate <input checked="" type="checkbox"/> or Weight	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 18.80		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
Lbs. Ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials		NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature		
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No.				Federal Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) PHONE ( ) SHERIDAN RUSS PC 1500 BROADWAY ST. 1200 DENVER CO 80202-3145				TO: (PLEASE PRINT) PHONE ( ) COMMISSIONER FOR PATENTS PC BOX 1450 ALEXANDRIA VA 22313-1450			
2584 SG-3 CSN				Mail Stop PCT			
FOR PICKUP OR TRACKING: Visit <a href="http://www.usps.com">www.usps.com</a> or Call 1-800-222-1811							





[Home](#) | [Help](#)**Track & Confirm**

## Track & Confirm

### Search Results

Label/Receipt Number: EV65 5367 215U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313 to PATENT OFFICE . The item was signed for by S DYAR.

Information on this item has been restored from offline files and will be available online for 30 days from 09/26/2006.

[Additional Details >](#)[Return to USPS.com Home >](#)

### Notification Options

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

### Track & Confirm

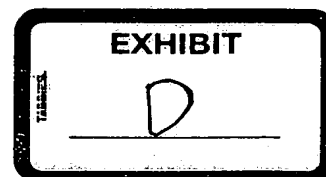
Enter Label/Receipt Number.



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)**Track & Confirm**

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 8583 254U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

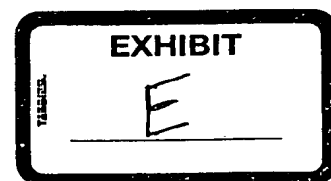
Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)**Track & Confirm**

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 8583 223U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

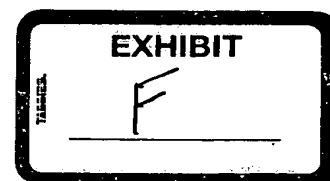
Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: EV49 3474 656U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

**EXHIBIT****G**

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 8582 069U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

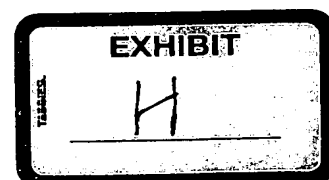
Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 7436 158U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 7436 192U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information is stored in files offline.

A request to restore this information has been submitted and is currently pending.

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: EV78 8583 237U S  
Status: Delivered

Your item was delivered at 6:48 am on April 10, 2006 in ALEXANDRIA, VA 22313. The item was signed for by S DYAR.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KELLER et al.

Serial No.: 10/575,018

Filed: April 6, 2006

Atty. File No.: 2584SG-3

For: "INSULATING ELEMENT FROM  
MINERAL FIBERS FOR SHIPBUILDING")

) DECLARATION OF SUSAN WILLSON IN  
) SUPPORT OF REQUEST FOR  
) CORRECTION OF NATIONAL PHASE  
) FILING DATE  
)  
)  
)

CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>10/23/06</u>
SHERIDAN ROSS P.C.
BY: <u>Brenda Carpenter</u>

I hereby declare as follows:

1. I have reviewed the Decision from the U.S. Patent and Trademark Office ("USPTO") dated September 27, 2006 with respect to this matter. I hereby declare that I reviewed and signed the attached correspondence to Mr. Josef Bockhorni, of Grosse Bockhorni & Schumacher ("GBS"), confirming filing of such application with the USPTO on April 6, 2006 (See Exhibit A). Upon reviewing the file for this matter, I have confirmed that this correspondence was transmitted via facsimile at 1:49p.m. on April 7, 2006. Receipt of this correspondence on April 7 at 1:49p.m. was confirmed as shown on the transmission report and in the attached facsimile transmission sent from GBS dated April 10, 2006 (See Exhibits A and B). I attest to the fact that the attached copy of the facsimile is a true and accurate copy of my original letter of correspondence.

2. I declare that it is my custom and practice, as an attorney licensed to practice in Colorado since 1971 and with Sheridan Ross, P.C. for the past 20 years, to confirm filing of documents with the USPTO prior to delivering correspondence to the client or the foreign associate counsel. I declare the statements made in the April 7 correspondence regarding the filing date of such application are true, and that the filing date of April 7, 2006 is in error. As the application was deposited with USPS via Express Mail procedures on April 6, 2006, the filing date for such application should properly be April 6, 2006.

3. I further declare that on September 6, 2006 I spoke via telephone with Patricia Booker of PCT Operations, USPTO regarding such application. Ms. Booker confirmed that such

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KELLER et al.

Serial No.: 10/575,018

Filed: April 6, 2006

Atty. File No.: 2584SG-3

For: "INSULATING ELEMENT FROM  
MINERAL FIBERS FOR SHIPBUILDING")

) SECOND SUPPLEMENTAL  
) DECLARATION OF EDDIE ABEYTA IN  
) SUPPORT OF REQUEST FOR  
) CORRECTION OF NATIONAL PHASE  
) FILING DATE

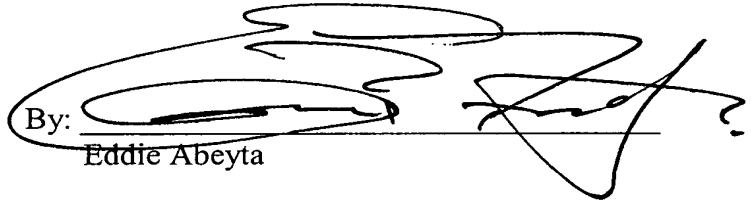
<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>10/23/06</u></p> <p style="text-align: right;">SHERIDAN ROSS P.C.</p> <p>BY: <u>Brenda Carpenter</u></p>
---

I hereby declare as follows:

1. I incorporate by reference my Declarations of June 6, 2006 and August 8, 2006.
2. I have reviewed the Decision from the U.S. Patent and Trademark Office ("USPTO") dated September 27, 2006 with respect to this matter. In compliance with the USPTO's request, the exhibits previously attached to my prior Declarations suffice to show the Express Mail number and the attorney docket number of the subject application. To establish that the national stage papers were deposited in Express Mail prior to the last scheduled pick-up on 4/6/06, I declare that as a matter of custom and routine, I hand deliver accountable mail documents to the USPS so that they are accorded a filing date on the date of such deposit. Also as a matter of custom and routine, I only deliver accountable mail once per day in the evening after 5:00p.m. and prior to the last scheduled mail pickup. This routine has been established by the Sheridan Ross, P.C. law firm to ensure that all documents to be deposited are provided to me at the close of the business day and in advance of the last scheduled pickup, and to eliminate multiple deposits with the USPS during a given day.
3. I personally deposited such documents on such date at or about 6:20p.m. and prior to the last scheduled pickup, according to the custom and routine as Sheridan Ross' designated administrator of patent filing correspondence. I further attest that on April 6, 2006, I personally delivered several other patent applications for delivery via express mail at or about 6:20p.m., and that at least one of these applications was for the particular client at issue here. I attest to the fact

that I followed the above described procedures for these other applications as well as the application which is the subject of the present petition, and that such other applications were provided with the correct filing date of April 6, 2006. The filing date of April 7, 2006 is in error.

Date: 10/20/06

By:   
Eddie Abeyta